

### Remarks

On page 2 of the Office Action, the Examiner rejected claims 83-84 under 35 USC § 102 (b) as being anticipated by Jameson (US Patent Number 5,238,633) and 35 USC § 103 (a) as being unpatentable over Jameson in view of Hawley (US Patent 5,165,941). Applicants respectfully traverse the rejection for the reasons stated below and in view of the claims now presented.

Jameson discloses a method and apparatus for forming an extruded plastic lumbar product from a commingled plastic waste feed stock. The apparatus generally includes an extruder portion and a forming portion. The extruder portion includes a compound extruder which compresses and melts the waste product by a sudden transition within a constant pitch conveyor. From the compound extruder, the melt is introduced into a hot melt extruder which is formed so as to prevent vortex of the melt or mixing of the different resins. The hot melt conveyor includes a diminishing pitch along its length and a short transition section and metering section. The hot melt is then formed into a desired profile through a cross-head die in which a series of rovings are introduced into the melt. The rovings serve as a reinforcement for the extruded product as well as define the extruded profile feed rate. Because of commingled blend of dissimilar resins in the feed material, there are often inconsistencies in the melt strength. The rovings compensate for these inconsistencies and provide an extruded product having the desired strength and stiffness characteristics.

Hawley discloses a multiple extruder apparatus for compounding thermoplastic resin and reinforcing fibers incorporates a resin extruder in which thermoplastic resin pellets are melted and a compounding extruder in which the molten thermoplastic resin is mixed in intimate contact with long reinforcing fibers of at least one inch in length. The melted thermoplastic resin is introduced into the compounding extruder at a point downstream of the inlet point for the reinforcing fibers, so that the fibers are mechanically worked and heated before coming into contact with heated, molten

thermoplastic resin. The extrudate from the compounding extruder consists of a homogeneous, molten mass of thermoplastic resin having discrete lengths of fibers randomly dispersed therein.

Regarding the Jameson reference, the Examiner indicated that he felt that Jameson teaches of directly producing a part using one thermal heat rise at column 4, lines 35-55. Applicants respectfully traverse this statement because column 4, lines 35-55 refer to a feeding section of a compound extruder, not a compression mold device wherein a part is compression molded.

In contrast to both Jameson and Hawley, Applicants have amended the claims to more particularly focus on the feature that Applicants' method utilizes contaminated thermal plastic polyolefins to provide processed molding materials.

The producing step has been amended to recite that the method includes the step of compression molding a part directly from the processed molding materials using one thermal heat rise during the compression molding step. None of the references, whether taken alone or in combination teach of a compression molding press and one thermal heat rise during the compression molding step. Accordingly, it is believed that claim 83 is neither obvious in view of nor anticipated by the cited references.

Claims 84-87 depend either directly or indirectly from claim 83 and it is believed that these claims are also in condition for allowance for the reasons stated earlier relative to claim 83.

On pages 3-5 of the Office Action the Examiner rejected claims 83-87 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of US Patent numbers (U.S. Patent Nos. 5,800,757; 6,190,586; 6,620,353; and 5,591,384). Applicants are submitting herewith a terminal disclaimer which Applicants believe overcomes the double patenting rejection. Accordingly, Applicants respectfully request this rejection be withdrawn.

Office Action Mailed September 29, 2005  
Amendment Dated March 29, 2006  
Examiner: Mark Eashoo (Group 1732)  
Docket: MTY/CTC 065 P2 CI 3

For all the foregoing reasons and in view of the amended claims as now presented, Applicants believe all claims as now pending are not anticipated by the references cited by the Examiner, and accordingly, they should be allowed.

**APPLICANTS RESPECTFULLY REQUEST AN INTERVIEW WITH THE EXAMINER IF THE EXAMINER DOES NOT BELIEVE THIS AMENDMENT PLACES THE APPLICATION IN CONDITION FOR ALLOWANCE.**

Applicants are filing concurrently under separate cover a request for a three month extension of time.


The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-1287. Applicants hereby provide a general request for any extension of time which may be required at any time during the prosecution of the application. The Commissioner is also authorized to charge any fees which have not been previously paid for by check and which are required during the prosecution of this application to Deposit Account No. 50-1287. (Should Deposit Account No. 50-1287 be deficient, please charge any further deficiencies to Deposit Account No. 10-0220).

Applicants invite the Examiner to contact the undersigned via telephone with any questions or comments regarding this case.

Reconsideration and favorable action are respectfully requested.

Respectfully submitted,

JACOX, MECKSTROTH & JENKINS

By   
Matthew R. Jenkins  
Reg. No. 34,844

2310 Far Hills Building  
Dayton, Ohio 45419-1575  
Telephone 937: 298-2811

March 29, 2006